

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 20-26 are pending in this application of which claims 20 and 26 are independent. All of the pending claims stand rejected. By this amendment, claims 20 and 26 are amended. No new matter has been added by this amendment.

#### **Rejections under 35 U.S.C. §103**

Claims 20, 22 and 24-26 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U. S. Pub. No. 2002/0061142 to Hiramatsu ("Hiramatsu") in view of U.S. Pub. No. 2002/0140825 to Terashita ("Terashita"). Claim 21 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hiramatsu in view of Terashita, and in further view of EP 1271404A2 to Nakami ("Nakami"). Claim 23 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hiramatsu in view of Terashita, in further view of Nakami, and in further view of U.S. Patent No. 6,816,193 to Kohashi et al. ("Kohashi").

The Office Action indicates, *inter alia*, that Hiramatsu discloses most of the elements of claims 20 and 26 except for the "further selecting" step (claim 20) and "second selecting unit" (claim 26). The Office Action then cites Terashita as disclosing this lacking element. In particular, the Office Action refers to paragraphs [0005] and [0012].

Applicant respectfully disagrees with the rejections for at least the reasons set forth below.

First of all, Applicant believes that there is nothing in Terashita including the cited paragraphs that discloses at least the conditional element in claims 20 and 26 in which the further selecting step and second selecting unit are performed/operated "in case the signal processing

cannot be selected based on the extension." For example, paragraph [0005] discloses, *inter alia*, that factors such as color temperature of strobe light, AE control, AW control, a CCD color-separation color filter are controlled in a digital camera to have a good image quality. Paragraph [0012] discloses that examples of the image processing conditions include the values for correction of gradation of the digital image signals, and the values for correction of colors.

Secondly, since the primary reference (i.e., Hiramatsu) and other references (i.e., Nakami and Kohashi) also fail to show or suggest at least the above-identified conditional element, each of claims 20 and 26 is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Hiramatsu, Terashita, Nakami and Kohashi), either taken alone or in combination, for at least the reasons discussed above.

Nonetheless, claims 20 and 26 have been amended for further clarification. Specifically, amended claim 20 recites, *inter alia*, "further selecting, when the signal processing cannot be selected based on the extension of the file at the selecting step, ..." Claim 26 has been amended in a similar manner to claim 20. Applicant believes that amended claims 20 and 26 further distinguish over the cited references.

Reconsideration and withdrawal of the rejections of claims 20 and 26 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Also, Applicant has not specifically addressed the rejections of the dependent claims (i.e., claims 21-25). Applicant respectfully submits that the independent claim 20, from which they depend, is in condition for allowance as set forth above. Accordingly, the dependent claims

also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

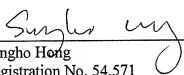
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5348). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: June 27, 2008

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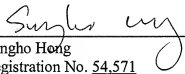
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